

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

**JIM JONES, TERRENCE M.
SCHUMACHER, SHAD DAHLGREN,
HAROLD G. RICKERTSEN, TODD
EHLER, and ROBERT E. BECK III,**

Plaintiffs,

v.

**JOHN GALE, in his official capacity
as Secretary of State of Nebraska,
and JON BRUNING, in his official
capacity as Attorney General of
Nebraska,**

Defendants.

CASE NO. 8:04CV645

ORDER

This matter is before the Court on the Defendants' Motion to Stay all proceedings in this case, including the issuance of a permanent injunction, pending the United States Supreme Court's consideration of the Defendants' Petition for Writ of Certiorari. The Plaintiffs have filed a brief in opposition to the motion, arguing that the Defendants have asserted no basis for a stay, have shown no exceptional circumstances justifying a stay, and have made no showing that the United States Supreme Court is likely to grant certiorari. In addition, the Plaintiffs argue that this Court may not have jurisdiction to enter a stay, because the United States Court of Appeals for the Eighth Circuit has already denied the Motion for Stay of Mandate. (Filing No. 126, Ex. A). I am persuaded by all of the Plaintiffs' arguments. Accordingly,

IT IS ORDERED:

The Defendants' Motion to Stay (Filing No. 125) is denied.

DATED this 19th day of January, 2007.

BY THE COURT:

s/Laurie Smith Camp
United States District Judge